

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARVEY L WILBOURN,
Plaintiff,
v.
SHASTA COUNTY JAIL, et al.,
Defendants.

No. 2:23-cv-01685-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PROSECUTE

(Doc. Nos. 2, 4)

Plaintiff Harvey L. Wilbourn is a county jail inmate proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 7, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 4.) Specifically, on August 28, 2023, the postal service returned mail directed to plaintiff marked as "undeliverable." (*Id.* at 1.) The plaintiff was required to file a notice of his change of address with the court by no later than November 6, 2023. (*Id.*) Because plaintiff had not done so, the magistrate judge concluded that plaintiff had failed to comply with Local Rule 183(b)'s requirement "that a party appearing in propria persona inform the court of any address change." (*Id.*)

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1 The pending findings and recommendations were served on plaintiff by mail at his address
2 of record and contained notice that any objections thereto were to be filed within fourteen (14)
3 days after service.¹ (*Id.* at 2.) To date, no objections to the findings and recommendations have
4 been filed, and the time in which to do so has now passed.

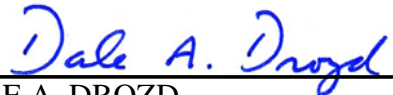
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
6 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
7 findings and recommendations are supported by the record and by proper analysis.

8 Accordingly:

- 9 1. The findings and recommendations issued on May 7, 2024 (Doc. No. 4) are
10 adopted in full;
- 11 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied as having
12 been rendered moot by this order;
- 13 3. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
14 this action; and
- 15 4. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: September 6, 2024

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19 DALE A. DROZD
20 UNITED STATES DISTRICT JUDGE
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26 ¹ On May 23, 2024, the service copy of the findings and recommendations was returned to the
27 court marked as "Undeliverable, Unable to Forward." It is plaintiff's responsibility to always
28 keep the court apprised of his current address. Pursuant to Local Rule 182(f), service of
documents at the record address of the party is fully effective. Thus, plaintiff was properly
served.